

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

L. SEVILLE PARKS,

Plaintiff,

v.

DEBRA BROOKS, ADAM ENDEL, E.K.
MCDANIEL, CLAUDE WILLIS, LORENA
IRVIN, TONY JONES, RICHARD FALGE,
LT. BOOK, ARTHUR NEAGLE, CALVIN
PECK, PAUL HUNT, ROD LIGHTSEY,
JAMES L. MITCHELL, DANIEL L.
SCHMIDT, LANCE J. PIERCE, ROBERT
GARDNER, CRAIG J. BYBEE, JOSEPH M.
HOLIDAY, DAVID BRUMLEY, CHARLES
COLEMAN, CINDY ULCH,

Defendants.

03:06-CV-00095-LRH-VPC

ORDER

Presently before the court is plaintiff L. Seville Parks's ("Parks") Motion to Reconsider (# 71¹) this court's July 18, 2006, Order (# 63). Defendants E.K. McDaniel, Debra Brooks, Adam Endel, Glen Whorton, and Greg Cox (collectively, "Defendants") have filed an opposition (# 74). No reply was filed.

28 U.S.C. § 636(b)(1)(A) provides, with certain exceptions, that, "a judge may designate a magistrate judge to hear and determine any pretrial matter pending before the court. . . . A judge of

¹Refers to this court's docket number.

1 the court may reconsider any pretrial matter under this subparagraph (A) where it has been shown
2 that the magistrate judge's order is clearly erroneous or contract to law."

3 On July 18, 2006, Magistrate Judge Cooke issued an order (# 63) declaring Parks a
4 vexatious litigant. In making that order, the magistrate judge considered four factors: 1) the litigant
5 must be given adequate notice to oppose a restrictive pre-filing order before it is entered; 2) the
6 court must present an adequate record for review by listing the case filings that support its order; 3)
7 the court must further make substantive findings as to the frivolousness or harassing nature of
8 plaintiff's filings; and 4) the order must be narrowly tailored to remedy only the plaintiff's
9 particular abuses. (July 18, 2006, Order(# 63) (citing *DeLong v. Hennessy*, 912 F.2d 1144, 1147
10 (9th Cir. 1990)).

11 The court finds that Parks has failed to show that the magistrate judge's order was clearly
12 erroneous or contrary to law. The magistrate judge noted that Parks was served with Defendant's
13 motion to have him declared a vexatious litigant and documented his history of vexatious litigation.
14 Furthermore, the magistrate judge noted Parks's excessive filings and overlapping allegations.
15 Finally, the court agrees with the magistrate judge that the pre-filing review order is narrowly
16 tailored to address the abuses outlined in the July 18, 2006, Order (# 63).

17 IT IS THEREFORE ORDERED that Parks's Motion to Reconsider (# 71) is hereby
18 DENIED.

19 IT IS SO ORDERED.

20 DATED this 23rd day of March, 2007.

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23 LARRY R. HICKS
24 UNITED STATES DISTRICT JUDGE
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